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Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

A.F. ROTHSCHILD FUND,

Plaintiff,

v.

DEPARTMENT OF HEALTH AND
HUMAN SERVICES; AND CENTERS
FOR DISEASE CONTROL AND
PREVENTION,

Defendants

No. CV 11-2760 LB

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING COMPLETION
OF THE ADMINISTRATIVE APPEAL
PROCESS**

1 Defendants Department of Health and Human Services and Centers for Disease Control
2 and Prevention (“Defendants”) and Plaintiff A.F. Rothschild Fund (“Plaintiff”), by and through
3 their respective counsel, stipulate as follows:

4 1. On October 13, 2011, Plaintiffs submitted an administrative appeal regarding
5 certain of the materials at issue in this case;

6 2. Defendants are still processing Plaintiff’s administrative appeal. This includes a
7 line-by-line review of 744 pages of records withheld, or withheld in part, from the September 13,
8 2011 and September 22, 2011 releases by the CDC. In addition, although Defendants contend
9 that Plaintiff’s appeal of October 8, 2010 as to the adequacy of the search was untimely (a
10 position that Plaintiff disputes and also believes is immaterial in light of the October 13, 2011
11 appeal), Defendants are reviewing the adequacy of the search at the administrative level in an
12 effort to resolve this action. The agency is also working with the submitter, Auburn University,
13 regarding documents the submitter believes should be withheld.

14 3. The parties have agreed that Defendants will complete the administrative appeal
15 process and respond to the items raised in Plaintiff’s appeal by March 1, 2012.

16 4. The parties have further agreed that by March 1, 2012, Defendants will inform
17 Plaintiff regarding the completion of the appeal process and Defendant will also release to
18 Plaintiff any additional documents, if applicable. Defendants will also report to Plaintiff on the
19 adequacy of the search for responsive materials, including materials searched and whether the
20 particular categories identified by Plaintiff have or have not been located.

21 THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiff and Defendants
22 that Defendants will complete the administrative appeal process by March 1, 2012 in the manner
23 set forth in this stipulation.

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1 DATED: January 6, 2012

Respectfully submitted,
MELINDA HAAG
United States Attorney

3
4 /s/ Ann Marie Reding
ANN MARIE REDING
Assistant United States Attorney
Attorneys for Defendants

6 DATED: January 6, 2012

Respectfully submitted,

8
9 /s/ Eric R. Glitzenstein
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14 **PROPOSED ORDER**

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16 Plaintiff and Defendants' Stipulation Regarding Completion of the Administrative
17 Appeal Process is hereby APPROVED and the parties are hereby Ordered to comply with the
18 Stipulation.

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20 Date: January 11, 2012

